IN THE HIGH COURT OF UTTARANCHAL, NAINITAL
Writ Petition NO. 814 (M/B) 2003

Kaishav Verma @ Ashok Kumar
and others ……. Petitioners

Versus

Chairman, Power Grid Corporation
Of India Ltd. and one another ……. Respondents

Mr. Lokpal Singh, Advocate for the Petitioner,
Mr. Alok Singh, Advocate for the respondent No. 2,

Coram: Hon. S. H. Kapadia, C.J
Hon. Rajesh Tandon, J.

Dated: 02.09.2003:

PC:

The petitioners are the tenure holders of the land bearing Khasra no. 49 measuring 0.731 hectare Khasra no. 67 measuring 2.674 hectare, total measuring 3.405 hectare at Village Alipur, Distt. Haridwar, The petitioners claim that fruit bearing trees are standing in the field of the petitioners and these tree are affected by the high voltage electric line installed by the Power Grid Corporation of India Ltd. The petitioners claim that they have suffered damages to the tune of Rs. 2.55 Crores. The petitioners submit that they have not received compensation. The petitioners relied upon section that the have not received compensation. The petitioners relied upon section 10(d) of the Indian Telegraph Act in support of their claim.

It is argued on behalf of the petitioners that they were entitled to compensation under section 10(d) of the Act as and when the respondent no. 1 took steps to install high voltage electric line. He submits that the respondents are not prepared to pay any compensation/damages and, therefore, they should be directed not to cut the trees of the petitioners without awarding the compensation.

We can not stop erection of high voltage electric line. Under the scheme of section 10(d), the petitioners are entitled to damages to the extent of the trees getting affected by erection of high voltage electric line. Petitioners have alternate remedy under the Act to claim damages. We have not gone into that indicate the basis on which the petitioners claim cost of the trees affected at Rs. 2.55 Crores. That question has to be decided in the alternate forum on by way of suit. The petition is rejected.

(Rajesh Tandon, J.) (S.H. Kapadia, C.J.)

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